



Town of Weare Conservation Commission

P.O. Box 190
Weare, NH 03281
Fax: (603) 529-4554
Email: conservation@weare.nh.gov
Website: www.weare.nh.gov

Conservation Commission

Andy Fulton, Chairman
Patricia Myers, Secretary
Stephen Najjar
George Malette
Michael Dahlberg
Dennis Smith

CONSERVATION COMMISSION

MINUTES

May 12, 2010

****DRAFT COPY****

PRESENT: Andy Fulton, Chairman, George Malette, Steve Najjar, Mike Dahlberg, Patricia Myers, Secretary.

GUESTS: John Robichaud, Assistant Scout Master Troop 24; Tyler LaCasse, Brian Robichaud, and Nick Metcalf, Boy Scouts; Chuck Metcalf, Scout Leader; Ian McSweeney, Open Space Committee, Russell Foundation; Dick Ludders, Piscataquog River Local Advisory Committee; Tom Carr, wetlands/soils scientist, former WCC Chair; Alex LesCatre, property owner on Mountain Road.

I. CALL TO ORDER:

Chairman Andy Fulton called the meeting to order at 6:56 PM.

II. Guests:

John Robichaud – John said the hike/camp/trail clean-up had gone off as planned. He introduced the 3 scouts with him. Boy Scout Tyler LaCasse then gave a report on the event. The scouts did trailwork and cleaned up trash at the Ferrin Pond town property and at the Poor Farm trail as well. Tyler said Ferrin Pond was not too bad but that at Poor Farm the trail needed chain saw work. He said they picked up tires and took them to the transfer station, trail markers were missing. They didn't see too much ATV damage. John asked the commission for a letter about the work done by the troop. The scouts will use the letter to qualify for other outdoor experiences. Andy thanked the scouts for their efforts.

III. Mountain Road – culvert problems – Since the April WCC meeting commission members had learned that the Board of Selectmen had received a letter from the NHDES Wetlands Bureau, from Compliance Specialist Chris Brison concerning surface water crossings on Mountain Road in the area of Ferrin Pond. The letter, dated April 16, 2010, stated that 2 crushed culverts were causing water from 2 brooks to cross over Mountain Road in 2 locations. This was resulting in motor vehicles driving through the brooks causing erosion and sedimentation. The letter stated that there is no legal crossing available to vehicles at these spots even though the road is open to the public. The letter asked the town to take steps to solve the problem or face enforcement measures.

Ian said he had been asked by the BOS to act as the information coordinator for this issue. As such, he would gather pertinent information and disseminate it to all parties involved. He said because of the strong interest the Russell Foundation has in the area of Ferrin Pond, any statements from the Russell Foundation on this issue would come from Gordon Russell rather than himself. Ian said he would deal only with the facts. He provided the commission members with a packet of photos of the problem areas.

The Commission reviewed the photos and discussed the 2 crossings. Steve said he thought the Buxton Brook/Lilly Pond Brook crossing was so wide that it would probably need an arched culvert. Tom Carr concurred with that assessment. Tom stated that the Conservation Commission was not informed of the hearing years ago when the owners of the private land went before the ZBA for approval for the cabin. He said the WCC would certainly have spoken against the plan. Potential funding sources and the drawbacks of each were discussed: Local Government Center grant, Town highway funds – only legal if under RSA 231:59-a emergency lanes because it is a class 6 road, Conservation Fund, other DES grants.

Dick Ludders spoke on behalf of the PRLAC saying they did not take a position on whether the culverts should be repaired or Mountain Rd closed. He said which ever is the best thing for the watershed should be done and soon. Dick also was aware of a new \$5000 Wetland Water Quality Improvement grant just becoming available that this project might qualify for. He will pass along the information as it comes out.

Tom Carr said he supports keeping the road open but hates to see the town forced to pay all the expenses. He said to expect \$5000 for design and permitting, engineering would be necessary to get the culvert sized properly due to the unique features of Ferrin Pond, and the arch culvert would be expensive.

Steve suggested that the Conservation Commission put out an RFP for design options for the 2 crossings identified in the DES letter to get some idea of cost. Tom and Mike argued for adding engineering work by a PE and wetlands scientist work to the RFP to be sure the structures would have the strength needed without it becoming a highway. Steve agreed offered a motion for an RFP for crossing options for the 2 DES sites plus an additional surface water crossing not mentioned (so far) by DES, including engineering, wetlands science and permitting. The WCC would authorize expending up to \$5000. Mike seconded Steve's motion. All voted in favor. Ian said he would inform the BOS of this action at their 5-17-2010 meeting.

There was discussion about how patient DES might be while the town figures out how to deal with this situation. Ian said he believed as long as the town continues to make progress and update the Wetlands Bureau that they would be patient. Andy said he would update Chris Brison.

Mike asked property owner Alex LesCatre if the town could expect permission to be on his land to do the work. Alex replied yes but that he would want notice of the dates. Alex gave his contact information apl.1984@yahoo.com. Mike asked Alex when he received the variance from the ZBA for the cabin. Alex replied the variance was 2006. They began building the cabin in the spring of 2006 and completed it in 2007.

Andy said he would talk to Naomi to determine how to proceed with the RFP.

Steve asked Andy to pull up the minutes of the August 2008 WCC meeting on the WCC laptop. During that meeting the commission stated its position on the crossing damage caused by heavy equipment used during the PSNH transmission line upgrade. Andy found the minutes and specifically section 2B and will add this to his comments to the BOS from this meeting.

Steve said that the crossing at Eban Page Road at the beaver dam is definitely not legal and needs to be remedied as well even though the DES did not include it in their letter. He recommended that the WCC wait until the issues of land protection status and road ownership/ rights can be investigated. Also it needs to be determined which town entity might have jurisdiction in this location.

Andy asked Alex if he had considered or would consider contributing toward the necessary work to be done. Alex said yes but added that they own 7 acres compared to the 3000 protected acres, so he

would expect their portion of the cost would be proportional to the amount of the land. At this Steve reminded the group that Fish & Game also holds an interest in keeping the town roads passable because they stock Ferrin Pond. Pat suggested that John Magee, a fisheries scientist at Fish and Game would be a helpful contact since he used to live in Weare, and remains interested in fisheries issues in the area.

- IV.** Wolf Creek Investments - Ian presented information on this potential project on Horace Lake Marsh. There is 66-70.5 acres off of Wildwood Road. He said the Russell Foundation has put \$500 down to hold it while a project can be put together. The owner wants \$50,953 for the title to the land. This property would link to Kingsbury (Pope), town forest land, land owned by Hardwick and Sutar that may become available. Ian said the Russell Foundation's idea would be to purchase the property outright and within 3 years put a conservation easement on it and any additional acres that have been acquired in the meantime. Ian has spoken with the Mildred Hall trustees who may provide some funding. The town could hold the deeds. Steve asked if Ian had looked to see how much of the land in question was actually within State of NH New Hampshire jurisdiction. Ian said he had looked in to it and that the actual acreage wouldn't be reduced much. Andy asked who would hold the easement. Ian said if the acreage was large it could be the **Northern Forestry Foundation (?)** or SPNHF.

Steve stated that in view of the recent turn of events concerning Mountain Road he could no longer support this project. He told the Commission that it would be unwise to spend money from the Conservation Fund that may be needed to resolve the culvert problems at Mountain Road. After discussion, Pat offered a motion to put \$15,000 from the CF toward the Wolf Creek purchase price. No one seconded the motion and it died. George offered the motion and Mike suggested it might be better as simply a recommendation to the Russell Foundation, that they continue to pursue other funding for the project and come back to the WCC later when we may be more certain of our finances. Ian asked whether the WCC would expect to hold an interest (executive) without contributing financially to the project. Andy replied no.

- V.** **Ilseley Farm Project** – George asked Ian about the site walk scheduled for May 20th. Who was planning to attend? There was discussion about whether a site walk was useful given the doubtful finances to support a project. Finally George and Pat agreed to meet and invite other town groups such as the Ag commission to join us in seeing the land.
- VI.** **Town Forest Activity** - Steve made a motion that the WCC authorize him to attend the next BOS meeting to begin to execute the forestry plan with Meadowsend Timber. The funding was approved at Town meeting but the Selectmen are the agents to expend forestry funds. George 2nd the motion and all voted in favor.

Steve made a motion to authorize Andy to sign the paperwork for the 2nd timber harvest in Felch Farm. This would be a 60 acre area to done this summer. George 2nd the motion. All voted in favor. Andy signed the papers.

- VII.** **Other -**
- January Minutes Error** – Barb Beers had emailed Andy saying the minutes from January's WCC meeting gave credit to the wrong person for the tracking technique she was using with the JSRHS students on the Eastman Conservation Land. Steve made a motion to attach Ms Beers' letter to the minutes which had already been approved. George 2nd the motion and it carried unanimously.

Permit by Notification- USACE is doing bridge repair work on the HopkintonEverett Dam. Mike made a motion for Andy to sign the permit. Pat 2nd and all voted in favor.

Tobey Hill Conservation Land request to hunt - Andy stated that the town lands were open to hunting done according to state laws. He asked Steve to respond for the WCC to the person inquiring. Steve agreed.

Moody Property illegal wetlands buffer clearing – Andy reported that the white pine plantings had been done according to the letter from Chip Meany. Andy will let Chip know the work has been done satisfactorily.

WCC to be notified of hearings - There was a brief discussion on the topic of the WCC receiving notice of ZBA hearings. George offered to take this request to the Planning Board.

VII. ADJOURNMENT: Steve made a motion to adjourn. Pat 2nd the motion. All voted in favor and Andy ended the meeting at 11pm.

Respectfully submitted,

Pat Myers, Weare Conservation Commission Secretary

Cc: Town Clerk's Office,
BOS Office – Merry Rice
WCC Office files